REPORT OF THE MARGAREE RIVER ADVISORY COMMITTEE

to the

HONOURABLE C.W."CHUCK" MACNEIL

MINISTER OF LANDS AND FORESTS

Concerning

The Nomination of the Margaree - Lake Ainslie River System to the Canadian Heritage Rivers Program

June 11, 1990

90-05923/

Honourable Dr. C.W. MacNeil
Minister of Lands and Forests

Dear Dr. MacNeil:

We are pleased to present the report of our deliberations regarding the nomination of the Margaree-Lake Ainslie as a candidate Canadian Heritage River. It is our recommendation that you proceed to nomination, we ask that you initiate a management planning process immediately following acceptance of the nomination by the CHRS board and that you consider favourably our additional 20 recommendations concerning public participation and the management plan.

Because of the many questions asked by the public and the false rumours circulating regarding affects on residents, we would appreciate it if you would release the report immediately to the media and mail copies directly to all participants in the Open Houses and to those who wrote letters to you and the Committee. Although we are aware there has been considerable opposition expressed directly to you concerning the nomination, it is our feeling that much of this opposition has been based on misinformation and misunderstanding.

The motion for recommending nomination and the supplementary 20 recommendations for the management planning process was passed with three members opposed. They wanted their votes and reasons for opposing reported. Two opposing members are County Councillors Donald Matheson and Nicky Tompkins. They requested that it be recorded that, while they were personally in favour of the recommendation to nominate and the supplementary recommendations, their constituents who communicated with them were against nomination and, therefore, they felt as elected representatives in County Council they had no choice but to vote against. Mr. John MacKinnon, a member-at-large was against the nomination based both on personal experience and his assessment of the concerns he received from area landowners and commercial fishermen.

We have taken our assignment seriously and, although the motion was not passed unanimously, there is a consensus that we have addressed all the concerns brought to our attention.

It is our hope that you will accept our recommendations. We thank you for the opportunity to make a contribution toward the conservation of the Margaree-Lake Ainslie River System for present and future generations.

Respectfully submitted

A P LeBlanc

CHAIRMAN
Margaree River Advisory Committee
June 11, 1990

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1.0 EXECUTIVE SUMMARY

This report contains the deliberations and recommendations of the Committee established to advise the Minister of Lands and Forests on the desirability of nominating the Margaree-Lake Ainslie a candidate Canadian Heritage River. This cooperative program developed by the federal, provincial, and territorial governments gives national recognition to important rivers in Canada. Of the 45 rivers studied in Nova Scotia, the Margaree-Lake Ainslie River System has the most outstanding combination of natural and human heritage and recreational resources.

To provide opportunities for the public, Committee, and Lands and Forests representatives to understand each other about the benefits and concerns for nomination, four Open Houses were held in the area during the week of 19 March 1990 and the comments made were recorded. Prior to the Open Houses, a Newsletter was distributed to every household in Inverness County. Additional oral and written communication was received after the Open Houses. The Committee analyzed all comments in the context of a situation where 70% of the land in the river/lake corridor is privately owned and the present legislative acts and regulations are adequate tools to protect and conserve the water quality of the river/lake. **As a result, the Committee recommends that the Minister of Lands and Forests, on behalf of the Province of Nova Scotia nominate the Margaree-Lake Ainslie River System as a candidate Canadian Heritage River and proceed to the preparation of a management plan. For this step in the nomination procedure 20 specific recommendations are included in this report. These supplementary recommendations are an integral part of the committee's decision-making process and become the conditions upon which the Committee could make the primary recommendation.**

2.0 Introduction

In February 1990, a Committee was established to advise the Minister of Lands and Forests on the desirability of nominating the Margaree-Lake Ainslie River System a candidate Canadian Heritage River. The committee consists of representatives from seven special interest organizations in the river corridor, the five county councillors serving the area, four members-at-large and a chairperson.

The specific responsibilities of the Committee as provided for in its terms of reference were as follows:

- review, with the assistance of Department of Lands and Forests staff, information as contained in background studies for the Margaree-Lake Ainslie as a potential Canadian Heritage River;

- participate, as possible, in public open house sessions organized by the Department of Lands and Forests;

- review, with the assistance of Department of Lands and Forests staff, public comments and opinion regarding the possible nomination of the Margaree-Lake Ainslie to the CHRS;

- review and consider, with the assistance and support of Department of Lands and Forests staff, the implications and benefits of nominating the Margaree-Lake Ainslie River System to the CHRS; and

- provide a recommendation to the Minister of Lands and Forests on whether or not the Province of Nova Scotia should proceed to nominate the Margaree-Lake Ainslie River System to the CHRS.

In addition the following also reflects the Committee's understanding of general circumstances relating to decisions concerning the possible nomination and future designation of the Margaree-Lake Ainslie River System:

- that Canadian Heritage Rivers designated to date in Canada generally flow through existing Crown lands (federal, provincial or territorial), and therefore, that there is no model to follow or precedent set to guide the management of river systems such as the Margaree-Lake Ainslie which flows through lands primarily in private ownership;

- that the Province of Nova Scotia will consider nominating the Margaree-Lake Ainslie System, only in the event that

the Advisory Committee advances a positive recommendation based on its review of background information, its analysis of public questions and concerns and its assessment of potential benefits to the area;

- that, should the river system be nominated, the Province of Nova Scotia is committed to entering into a management planning process that would include extensive public participation; and;

- that designation would not occur until after a management plan had been prepared and approved through a public planning process.

Based on this understanding, the Committee studied the background information, analyzed comments, developed options, and made a recommendation regarding nomination and specific recommendation for consideration during the management planning process.

3.0 Public Participation Process

The appointment of an Advisory Committee was only a part of the public participation process. Opportunities were provided for all area residents to make their views known. A Newsletter was prepared by Lands and Forests, giving information on the CHRS program, background studies conducted in Nova Scotia, and the attributes of the Margaree-Lake Ainslie River System that lead to its consideration for Canadian Heritage River nomination. This Newsletter was distributed to every household in Inverness County as an insert in Partici-paper, through the courtesy of the Recreation and Tourism Department of the Municipality of the County of Inverness.

Four Open Houses were conducted in the area and residents were encouraged to come and discuss the information in the Newsletter with the Committee and representatives of the Department of Lands and Forests. The objective was to provide opportunities for one-to-one discussion and, thereby, to facilitate mutual understanding. Residents were made aware of the schedule of Open Houses through the Newsletter and advertisements in the Oran, Scotia Sun, Reporter, Cape Breton Post and Chronicle-Herald newspapers, and public service announcements on local radio stations.

The suggestions and concerns of the residents who participated were recorded on flip charts or submitted by individuals into a comment box. The Open Houses were held during the week of 19 March, 1990, at Scotsville, North East Margaree, Belle Cote and Margaree Forks; 165 people registered.

Subsequent comments received orally or in writing were added to the Open House comments. All were categorized as to subject matter and

examined methodically by the Committee. A summary with committee responses appears elsewhere in this report.

4.0 The CHRS Program and the Margaree-Lake Ainslie River System

4.1 The Canadian Heritage River System

The Canadian Heritage Rivers System is a cooperative program, developed by the federal, provincial and territorial governments, to give national recognition to the important rivers of Canada.

The primary objective is to ensure that rivers that are outstanding examples of Canada's natural heritage, that have played a significant role in Canadian history, and/or that offer outstanding opportunities for recreation are managed so that their distinctive values are conserved while opportunities for public use and enjoyment are enhanced.

In January 1984, the Canadian Heritage River Board was established to administer the CHRS program and to review rivers nominated for eventual designation as Canadian Heritage Rivers. The Board consists of twelve members, two appointed by the federal government and one appointed by each of the ten participating provincial and territorial governments. The Nova Scotia member is Mr. Barry Diamond, Director of Parks and Recreation Division, Department of Lands and Forests.

Nomination of rivers to the CHRS may be made only by participating governments. Private citizens or groups, however, may suggest rivers to the responsible provincial or territorial governments.

To date nine rivers across Canada have been designated, all within national or provincial parks. As well ten rivers have been nominated and are currently in the management planning stage. These include the Grand River in Ontario and the St. Croix in New Brunswick, two rivers in the settled parts of Canada where private landownership is a key factor in their management.

4.2 Studies Conducted in Nova Scotia

In 1986 a study of 45 rivers in Nova Scotia entitled An Overview Study of Nova Scotia's Rivers as Heritage Resources, was conducted. The 45 rivers were evaluated as to their suitability as possible Canadian Heritage Rivers. Information was collected on the rivers' natural, cultural and recreation resources and on their management suitability and integrity. The 1986 study concluded that seven rivers appeared to be suitable as potential Canadian Heritage River. Subsequently, in 1987-88, a more detailed study of seven rivers (entitled Background Study of Selected Rivers in Nova Scotia) was conducted, with the Margaree, St. Mary's and Shelburne rivers emerging most suitable.

In 1989 a study titled A Management Framework for Canadian Heritage Rivers in Nova Scotia-Margaree River Case Study was conducted to research how a Canadian Heritage River could possibly be managed in Nova Scotia. This study concluded that sufficient government programs and regulations existed now and that no new legislation specific to heritage river management was needed. The study applied its findings to the Margaree Lake Ainslie River System as a case study to illustrate how existing government programs could be applied in Nova Scotia to meet heritage river requirements. The Margaree Lake Ainslie River System was selected for this purpose because it rated most highly of all rivers studied in Nova Scotia for possible inclusion in the Canadian Heritage Rivers Program.

4.3 Values of the Margaree-Lake Ainslie River System

The Margaree-Lake Ainslie River System has the most outstanding combination of natural heritage and recreational values of all the rivers studied in Nova Scotia. The river/lake system has an established international reputation, due to its Atlantic Salmon runs, associated angling opportunities, and scenery. The good water quality and environmental integrity of the river provide the potential for management consistent with objectives of the CHRS.

The Northeast Margaree, a fast-water river, originates in the Cape Breton Highlands. It flows along the Aspy Fault through a steep-sided valley, gradually grows broader and meanders to Margaree Forks. The Southwest Margaree begins at Lake Ainslie, the largest natural freshwater lake in Nova Scotia. It winds northerly through soft carboniferous rocks and a mix of forest, agriculture, and rural residential lands to Margaree Forks. Here it joins the Northeast at the famous Forks Pool. The combined rivers become the Margaree which flows northerly through a wide tidal estuary to the Gulf of St. Lawrence at Margaree Harbour. With an overall length of 120 kilometres and a watershed of 116,573.5 hectares, the Margaree-Lake Ainslie is the largest river system on Cape Breton Island and one of the largest in Nova Scotia.

The Margaree-Lake Ainslie River System has an impressive list of outstanding heritage and recreational values, that contribute to its status as an important river of Nova Scotia and Canada:

- The variety, history and visibility of the geological features associated with the river provide excellent opportunities for interpretation of the complex geological history of Cape Breton Island.

- The Margaree-Lake Ainslie River System has provincially significant scenic values due to its combination of uplands, lowlands, canyons, waterways and mixture of natural and agricultural landscapes.

- The steep-sided valley complex near the Northeast's headwaters is a significant wilderness resource where four mammals and four plants that are rare in Nova Scotia are found.

- Excellent examples of gypsum sinkholes in the lower river valleys.

- A remnant old growth Sugar Maple forest at Second Fork Brook (recorded as an International Biological Program site).

- A unique and relatively undisturbed alkaline bog at Black River that contains at least five rare plants (also recorded as an IBP site).

- Wetlands at Scotsville and Loch Ban with outstanding wildlife habitat.

- Remnant Maple and Elm forests along the floodplains containing five plants that are rare in the province.

- A gaspereau run on the Southwest that supports a commercial fishery.

- Spring and fall salmon runs, particularly on the Northeast, providing outstanding sport fishing of international calibre.

- Protected salmon spawning grounds in the Northeast headwaters.

- The first salmon fish hatchery in Nova Scotia.

- Important gaspereau spawning, Osprey nesting and waterfowl breeding in Lake Ainslie.

- Sea trout, American eel, and rainbow smelt runs.

- Large areas containing bald eagle nest trees at Lake Ainslie, Southwest Margaree and Margaree Rivers.

- Two mammals restricted to a few small areas of Cape Breton Island--the gaspe shrew and rock vole.

- Provincially rare pine marten and lynx populations.

- Moose yarding areas on the side slopes of the Northeast Margaree.

- Excellent canoeing opportunities on 80 km of the river.

- Potential for outstanding trail opportunities especially along the Margaree Escarpment, in the headwaters canyon of the Margaree and in certain feeder streams with attractive waterfalls.

The human heritage is also important but not as well researched and documented. The Margaree was used by pre-contact native peoples for fishing, hunting, and transportation. Very little, however, is known about the archaeological resources of the river corridor. Artifacts between 3,000 and 5,000 years old have been found at Margaree Harbour, Margaree Forks, Scotsville and Strathlorne Station.

The Micmac name for the river was Weeukuch. The early Micmacs used the river system for transportation and as a source of food.

The first European settlers to the area were the French. They came in the late 1700's and early 1800's and at that time the Margaree was identified on maps as St. Marguerite. They settled mostly on the Northeast and along the coast between Margaree Harbour and Cheticamp where some of their descendants, the Acadians, live today. Scottish Highlanders began arriving in the Margaree Valley in 1799. Throughout the 18th century Scots, Irish, and English settlers made their home along the river corridor and engaged in agriculture, fishing and forestry. The sites of a tannery, sawmill, forges and schoolhouses erected in the 1800's can still be found. Certain artifacts are protected in a number of museums in the area. A new interpretation centre, dedicated to salmon fishery, overlooks the Hatchery Pool at the Margaree River Fish Culture Station.

Perhaps the greatest value of the Margaree-Lake Ainslie River System is its natural integrity; it is completely free flowing and has excellent water quality. Past and present uses of the river and adjacent lands have never overwhelmed the Margaree. Only a relatively small number of major rivers in the settled parts of Canada and Nova Scotia are still free-flowing and clean. Many are dammed and/or polluted. Both the quality of life of area residents and the abundant fish, wildlife and flora of the Margaree River and Lake Ainslie are dependent on the high natural integrity of the system.

5.0 Benefits of CHRS Nomination and Designation

Based on its review of the background information summarized above and its consideration of public comments received at Open Houses, by mail, over the telephone and in person, the Advisory Committee recognizes the potential for a wide range of benefits should the Margaree-Lake Ainslie River System eventually be designated as a Canadian Heritage River.

Specific benefits recognized by the committee are listed below. This list was prepared through a round table discussion by the Committee at its May 10, 1990 meeting.

- protection/conservation of the river/lake and corridor
- possible establishment of Special Places Concept
- focusing of government laws/regulations/programs to assist in protection and conservation
- preserving our heritage for future generations and educational purposes
- monitoring of water quality
- preserving everything along the corridor for future generations
- ensuring that the water quality remains the best that it can possibly be--leading to ensuring good runs of gaspereau and salmon .... by the establishment of greenbelts and stopping sewage disposal in river/lake
- protection of land for landowners
- keeping it as it is or better, controlling pollution therefore maintaining the gaspereau fishery--it is our heritage
- idea of proper development of the area not being haphazard but planned
- long term possibility of tourist business being expanded due to promotion around the world and the return of the salmon
- an avenue to promote its natural beauty and environment
- enhancing possibilities for keeping young people in the area
- ensuring that future development/use would be done without damaging the integrity of the river system
- indirect good effect on the economy
- could prevent dump and/or incinerators on river or lake
- designation of trails would mean public would not be all over private land

- public identification and knowledge of the unique natural history (geology, flora, fauna) and historic sites

- could guarantee public access in future and guard against any attempt to privatize stretches of water

These benefits reflect the underlying objectives of the Canadian Heritage Rivers System as a conservation program. Fundamentally, application of the program in the Margaree-Lake Ainslie area would encourage the maintenance and protection of natural and human heritage resources into the future--most notably the water quality of the river/lake, the fishery resources, the recreational values of the river and lake, and the outstanding scenery of the area. Maintenance of these traditional values is considered essential, if the present quality of life enjoyed by area residents is to be passed on to future generations. Conservation and protection of these same values can also enhance and strengthen the economic health of the community through tourism.

6.0 Concerns Regarding CHRS Nomination and Designation

Despite the recognition of a wide range of potential benefits, a number of concerns are also recognized by the Committee. These were also summarized on May 10th by Committee Members in round table discussion.

- in the short term there is potential for a division of opinion amongst area residents

- public trespassing would be increased; the perception may be that land is owned by government. Private landowners may have difficulty controlling public recreational activities

- there are concerns that government may encourage new initiatives, but may not provide adequate funding to provide for maintenance on a continuing basis

- eventually there may be no commercial fishery on the river--designation may change priority to sports fishery (e.g. gaspereau equipment would be considered an obstruction for canoeing)

- the area would not be prepared for an influx of tourists

- there would be an infringement on private land by public and government

Essentially, there are concerns, primarily on the part of some landowners abutting the river, that nomination could lead to uncontrolled recreational and tourism activity, and particularly to

increased trespass on private property. As well, there is a concern that recreational activities eventually would receive priority over traditional uses of the river. Another central theme of those expressing concern about nomination is a general suspicion of further government involvement in river management and opposition to government regulations generally.

In some cases, these concerns have led to outright opposition to the nomination; in others, specific questions have been raised, which require attention in the event that the river/lake may be nominated. These are described and commented on further in the following section.

7.0 Summary of Key Topics of Interest and Concern

Key questions and concerns that emerged from the Committee's discussions and review of background information and public comment are summarized below.

7.1 Public Participation Process

There is a great deal of interest and concern regarding provision for future public participation in decision-making should the Margaree River-Lake Ainslie River System be nominated as a Canadian Heritage River. It is clear that area residents are not only interested in participating in any future management planning process, but also in the implementation of any such plan. There were some suggestions that a public participation process requires more effective information distribution, as well as more contact with the public, and in particular with landowners. Comments received indicate that there has been a significant amount of misinformation within the community, and there were some complaints regarding the adequacy of information distributed to date.

Committee's Comment

It is clear to the Committee that the people of the Margaree-Lake Ainslie area are proud of their river and lake, and care deeply about their future. It is understood by the Committee that any future planning would be based on extensive public input and discussion at the local level. It is also recognized by the Committee that accurate information needs to be effectively distributed to the public. In particular, it is important that landowners should be contacted personally, as a key interest group directly affected.

7.2 River Environment and Associated Wildlife

The public has expressed interest concerning the protection of the river/lake environment and of associated wildlife values. Many people made reference to a need for stricter enforcement of

regulations, buffer strips along the river, protection for the entire watershed, and protection for the area's scenery.

Committee's Comment

The Margaree-Lake Ainslie River System has a rich ecosystem supporting an extraordinary range of flora and fauna, including large numbers of fish, bald eagles, ospreys, waterfowl, rare plants, and rare animals. This rich flora and fauna is reflective of the rich natural habitat of the river system and of the limited impacts on the system as a result of its use by people over time.

It is understood that a management plan for the river would address the protection of these values through a variety of strategies such as Crown land protection in the headwaters and agreements with individual landowners.

7.3 Water Quality

There is a great deal of interest in seeing the Margaree River and Lake Ainslie protected, and a high standard of water quality maintained. Suggestions made by the public ranged from creation of buffer strips along the river, protection measures for the entire watershed (not just the main rivers and lake), closure of the Kenloch Dump and stricter enforcement of existing regulations. Questions were asked about existing water quality conditions of the river and lake, and the standards at which water quality should be maintained.

Committee's Comment

It is understood that the maintenance of a high standard of water quality is a fundamental objective of the Canadian Heritage River Program. The Program requires that water quality monitoring be put in place following designation, and that a yearly public report would be prepared to record changes that may occur. While it is understood that water quality is good, extensive water quality sampling has not been undertaken and baseline data is inadequate. A management plan for the river and lake would address specific ways of ensuring that the water quality of the river-lake system would be protected.

7.4 Bank Erosion

Landowners are concerned about the affect of the Canadian Heritage River designation on bank erosion control. Some are of the opinion that designation could lead to future restrictions on erosion control measures, while others have suggested that the designation would give greater priority to erosion control.

Committee's Comment

It is the Committee's understanding that extensive erosion control measures that would dramatically alter the natural character of the river would not be compatible with the CHRS Program. However, it is recognized that the river flows through an active community of villages, farms and summer residences, and that a concerted effort to control erosion is required where farmlands, residences, other buildings or structures, and roads may be endangered. The designation of the Margaree-Lake Ainslie as a Canadian Heritage River would not prevent the application of government programs or individual initiatives in protecting farmlands, buildings, structures and roads from bank erosion. A management plan for the river/lake would examine ways to reduce negative impacts of erosion control (e.g. the planting of trees or rock rip-rap). As well it would serve as a vehicle for focusing attention and priority on the erosion problem.

7.5 Traditional Uses

There have been questions and concerns on the affect of the Canadian Heritage River program on traditional uses, in particular gaspereau fishing, salmon fishing, agriculture, and forestry. Many expressed concerns that the viability of these activities be maintained, particularly in reference to environmental management. Others were concerned that future regulations would unduly restrict traditional activities, and that traditional commercial uses eventually would receive lower priority to recreation.

Committee's Comment

It is understood that the ability of the Margaree-Lake Ainslie System to produce excellent runs of gaspereau, salmon and other fish is considered one of the outstanding values of the Margaree-Lake Ainslie in support of its nomination as a Canadian Heritage River. As well, agriculture and forestry have been significant land use activities since the area was first settled, and are considered an important part of the character of the Margaree-Lake Ainslie area.

It is further understood that these traditional uses would be recognized as being part of the heritage of the Margaree-Lake Ainslie River System, and that any future management plan would encourage, support and give priority to these important traditional activities.

7.6 Tourism and Public Access to River/Lake

The public has expressed opinions that the designation of the Margaree-Lake Ainslie River System as a Heritage River would lead to an increase in the tourism potential of the area. There was

also concern that increased tourism would result in more instances of trespass on private property.

Committee's Comment

The marketability of the Margaree-Lake Ainslie River System would be improved due to the national recognition the area would receive. At the same time, designation would provide for protection of the area's heritage resources ensuring the quality of the area would be maintained. This would enhance opportunities for appropriate economic development in the area. Implementation of the plan would also provide more recreational and educational opportunities for residents and visitors.

It is understood that selected designated and promoted access trails and public use areas would direct the public to specific sites and reduce the potential for trespassing on private lands where public use is not desired. The public would need to be well informed about appropriate behaviour while using private land.

Public access across private land would only occur where individual agreements with private landowners were in place. The landowner would have the right to refuse to enter into an agreement, or to negotiate specific terms and conditions. As well, agreements could be negotiated for specific periods of time.

7.7 Recreation Opportunities

There have been opinions expressed that CHR designation will lead to more outdoor recreation and educational opportunities for both residents and visitors. There were specific suggestions made concerning using existing facilities (Scotsville Nature Centre, Margaree Salmon Museum, Fisheries Visitor Centre, etc.) for interpretation and public information. At the same time there are questions concerning conflicts between sport fishermen and swimming, and gaspereau fishing and canoeing. Also the public has expressed concern about possible change to or restrictions of their access to the Margaree-Lake Ainslie River System for traditional sport fishing uses.

Committee's Comment

It is understood that the management planning process will examine the provision and management of outdoor recreation and educational opportunities. It is also understood that traditional river uses such as gaspereau fishing, farming, salmon fishing and sport fishing would take priority over other uses such as canoeing.

Although the Committee does not believe that change or restrictions to traditional public sport fishing access would be consistent with the Canadian Heritage Rivers objectives and guidelines and does not

see this scenario as a probability, the Committee feels that sufficient public concern has been expressed to make it an issue in this report. It is the Committee's understanding that Department of Fisheries and Oceans has jurisdiction over the salmon angling regulations through ZMAC and the Margaree River Management Committee, while the Department of Lands and Forests has jurisdiction over the trout angling regulations and the provincial Department of the Environment has jurisdiction over the river/lake bed and water through the Water Act.

7.8 Canadian Heritage River Designation and Private Land

7.8.1 Public Access to the River/Lake Over Private Land

Landowners expressed concerns regarding public access to private land, and the potential for increased trespass and possible vandalism. There was a concern that the designation of the Margaree-Lake Ainslie as a Canadian Heritage River would promote increased levels of recreational use, as well as encourage a public perception that private lands were in fact wide open for recreational access and use. On the other hand, from a recreational point of view, there are concerns that existing access to the river/lake is on an informal basis where private land is involved. Under these circumstances, fishermen and recreational users often don't know where private land owners consider access acceptable or where it may be considered a problem.

Committee's Comment

It is understood that, under existing legislation, recreational fishermen have the right to cross unimproved/uncultivated private land to gain access to water for the purpose of fishing. Typically this access occurs on an informal basis, both in the Margaree-Lake Ainslie area and elsewhere throughout Nova Scotia. It is understood that the Trails Act could be utilized to provide formal opportunities to gain access to water, along preferred routes. Where private land might be involved, this would only be done with the consent of the landowner and would occur through agreement respecting specific trail location, types of trail activities (e.g. for pedestrian traffic only, if so desired) and the duration of agreement. Specific benefits of this approach to the landowner include the following: an opportunity to direct recreational activity to preferred areas, a reduced duty of care (or limited liability), and an ability to regulate undesirable activities of trail users should these occur. From the perspective of the recreational user, formal access points (and associated information in the form of pamphlets and signage) would provide a clear indication of where landowners were prepared to permit access and under what conditions.

7.8.2 Landowner Participation in River Conservation

There appears to be widespread opinion that the environmental and scenic quality and character of the Margaree-Lake Ainslie River System should be maintained. However, where private lands are involved, many questions and concerns have been raised about what designation as a Canadian Heritage River could mean to the individual landowner. Some landowners expressed the opinion that the river/lake was already in good condition, largely through their efforts and stewardship; however others, including some landowners, pointed to instances where environmental problems existed in specific areas.

Committee's Comment

Approximately 70 percent of the river edge/lake shoreline is in private ownership, and will remain that way. Therefore, the support and participation of private property owners in river conservation programs is essential, as there is a direct relationship between land use and the health of the river system. Where the landowner may participate directly in river conservation (e.g. through maintenance of buffer strips of vegetation along the river's edge), it is understood that this would occur on a co-operative basis only, through agreement between an individual landowner and the Province of Nova Scotia. Such agreements could range from formal legal documents to "handshake" agreements, with each individual agreement being tailored to reflect the specific needs of the landowner while achieving conservation objectives. It is understood that the purpose of such agreements would be to encourage landowners to participate in the conservation of the river and lake, and to consider conservation objectives in day-to-day decisions regarding the use and development of their properties.

7.8.3 Setback of New Buildings and Control of High Impact Land Uses

The possibility of future controls on the use of private land was a major point of concern, particularly on the part of landowners whose properties abutted the water's edge. Rumours circulated to the effect that the government would take control of a strip of private land along the water's edge if the Margaree-Lake Ainslie was designated as a Canadian Heritage River, and these rumours became the basis of numerous questions raised at the Open Houses and in correspondence subsequently received by the Committee.

Committee's Comment

The possibility of controlling specific land uses adjacent to the river's edge/lake shoreline was raised in a background study of the Margaree River-Lake Ainslie River System prepared by a consultant.

It is understood by the Committee that the purpose of this background study was to identify all of the mechanisms available in Nova Scotia that could be utilized to put a river conservation program in place, and one such avenue identified includes land use controls under the Planning Act. The two specific measures suggested include the setting back of new buildings from the shoreline edge, and the exclusion of high-impact or potentially polluting land uses (e.g. industrial uses) from areas immediately adjacent to the river or lake.

It is understood that the management planning process would examine specific options for regulating potentially polluting land uses and for the setting back of new development, and that these options would be subject to extensive public input. The rumour regarding the expropriation of a strip of land along the river by the government is not accurate.

7.9 Distrust of Government and Fear of Controls

Some of the public have expressed opinions that the Margaree-Lake Ainslie should not be nominated as a Canadian Heritage River because of a distrust of government agencies or a fear that things will get "worse" with more government involvement.

Committee's Comment

Government agencies are very much involved in the Margaree-Lake Ainslie area at the present time, with their respective responsibilities and programs (e.g. Department of Fisheries and Oceans, Nova Scotia Department of Lands and Forests, Nova Scotia Department of the Environment, Nova Scotia Department of Agriculture, Nova Scotia Department of Fisheries, Environment Canada, Municipality of the County of Inverness, etc.).

Future challenges facing the Margaree-Lake Ainslie area, such as the need to enhance the local economy of the area, as well as the need to better ensure the river and lake are kept clean and productive, exist with or without designation to the Canadian Heritage Rivers Program and require government agencies to be involved. The designation of the Margaree-Lake Ainslie River System as a Canadian Heritage River offers an opportunity to prepare a management plan for the river system that works to ensure a better future. Public participation in this plan would help provide for a future envisioned by Margaree-Lake Ainslie people.

It is understood that the Canadian Heritage Rivers Program is a co-operative program and that a management plan would encourage focused co-operation between all government agencies and between government, river users, and landowners.

8.0 Recommendations

8.1 Recommendation Regarding Nomination

The Committee recommends that the Minister of Lands and Forests, on behalf of the Province of Nova Scotia, nominate the Margaree-Lake Ainslie River System as a candidate Canadian Heritage River and proceed to the preparation of a management plan. For this step in the nomination procedure 20 specific recommendations are included in this report.

8.2 Public Participation Process

8.2.1 It is recommended that adequate opportunities be provided for the public to participate in the preparation of a management plan at appropriate stages in the planning process (e.g. establishing objectives, developing options, evaluating proposed plan). Specifically that:

- the public be made aware of the exercise through a variety of means including personal contact;

- accurate information be assembled and presented in ways and at times appropriate to both the comprehension and convenience of the public and the requirements of the planning process;

- the information gathered during the present public participation effort be considered and used; and

- a variety of techniques be used for communication with and among the public and the Department of Lands and Forests to bring about mutual understanding and cooperation.

8.2.2 It is recommended that each landowner in the planning area be contacted and encouraged to participate to ensure a common and accurate understanding of the CHR program and the management planning process.

8.3 Content of Management Plan

8.3.1 River Environment and Associated Wildlife

8.3.1.1 It is recommended that the management plan address the long term protection of the rich ecosystem of the Margaree and Lake Ainslie River System.

8.3.2 Water Quality

8.3.2.1 It is recommended that the management plan for the river/lake address specific ways to ensure that the water quality of the river system is maintained at a standard to protect aquatic

life and permit recreation involving direct contact with water (e.g. swimming).

8.3.2.2 It is recommended that the management plan provide direction and guidelines for the implementation of a comprehensive water quality monitoring program with an established benchmark.

8.3.3 Bank Erosion Protection

8.3.3.1 It is recommended that the management plan support the protection of farmland, buildings, structures and roads from river erosion.

8.3.3.2 It is recommended that the management plan examine ways to reduce potential negative impacts of erosion control on the river ecosystem through environmentally sound management practices.

8.3.4 Traditional Uses

8.3.4.1 It is recommended that the management plan encourage and support, on a priority basis, traditional activities such as gaspereau fishing, agriculture, salmon fishing and forestry.

8.3.5 Tourism and Public Access to River/Lake

8.3.5.1 It is recommended that the management plan develop guidelines for a tourism promotion/marketing strategy consistent and compatible with the traditional use, character, and scenic quality of the area.

8.3.5.2 It is recommended that the management plan address ways to reduce the potential conflict between the public and private landowners through such mechanisms as the careful selection of access points for the public to the river/lake, the distribution of appropriate information, establishment of maintenance programs and implementation of a landowner recognition program.

8.3.6 Recreation Opportunities

8.3.6.1 It is recommended that the management plan address the provision and management of outdoor recreation and educational opportunities.

8.3.6.2 It is recommended that conflicts between recreation uses be resolved with the understanding that traditional uses such as gaspereau fishing, agriculture, salmon fishing and sport fishing are high priority uses.

8.3.6.3 It is recommended that traditional sport fishing access to the Margaree-Lake Ainslie River System be maintained as presently permitted under the angling Act and that the river/lake bed remain publicly owned as established under the Water Act.

8.3.6.4 It is recommended also that priority be given to local residents' input in the decision-making process regarding sport fishing regulations.

8.3.7. Canadian Heritage River Designation and Private Land

8.3.7.1 It is recommended that the management plan support the creation of a buffer strip to protect the river/lake, and that access across private land for the public be achieved through the "the agreement approach" between landowners and Lands and Forests.

8.3.7.2 It is recommended that landowners be well informed and encouraged to participate in the management planning process.

8.3.7.3 It is recommended that the management planning process examine specific options for regulating potentially polluting land uses and for the setting back of new development, and that these options be subject to extensive public input.

8.3.7.4 It is recommended that, from the date of designation, no further Acts be applied to regulate private land use other than the two specific measures under the Planning Act - setting back of new buildings from the shoreline edge and exclusion of high impact or potentially polluting land uses (e.g. industrial uses) from areas adjacent to the river-lake system.

8.3.7.5 It is recommended that there be no expropriation associated with the designation of the Margaree-Lake Ainslie River System as a Canadian Heritage River.

8.3.8 Distrust of Government and Fear of Controls

8.3.8.1 It is recommended that the management planning and implementation process encourage co-operation between government, river users, and landowners. The people of the Margaree-Lake Ainslie area should have a sense of ownership of the management plan.

APPENDIX
MARGAREE RIVER ADVISORY COMMITTEE

CHAIRPERSON
Simon LeFort
Margaree, BOE 1Y0

REPRESENTATIVES FROM ASSOCIATIONS

Donald E. MacLean
Lake Ainslie Historical Society
R.R. # 1, Whycocomagh
N.S. BOE 3M0

Stewart Gillis
Margaree Gaspereau Assoc.
R.R. 1
South West Margaree
N.S. BOH 3H0

Barrie Fraser
Coalition for the Protection
of Lake Ainslie and the
Margaree River
R.R. # 1, Whycocomagh, N.S.
BOE 3M0

or

Catherine M. MacLean
East Lake Ainslie, N.S.
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Ralph Watts
Margaree Angler's Association
North East Margaree, N.S.
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Margaree Centre, BOE 1Z0

Nicky Tompkins
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